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Chair

The Honourable John McKay

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● (1100)

[*English*]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): Ladies and gentlemen, let's call this meeting to order, please.

This is the 112th meeting of the Standing Committee on Public Safety and National Security.

We are welcoming Minister Goodale and his officials here to talk about Bill C-71. This is the commencement of our study on Bill C-71. I was going to award Minister Goodale frequent flyer points for appearing before the committee, but it appears that I would be prematurely awarding those points because the House has just adopted a Wednesday schedule for Thursday. Therefore, our meeting on Thursday between 11 a.m. and 1 p.m. is cancelled and we will have to have some discussion as to how to replace that meeting. We'll do that at the end of this meeting.

Welcome Minister Goodale. We look forward to your remarks and questions.

I'm assuming you'll introduce your officials.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness): Yes, I will, Mr. Chairman.

Thank you very much and good morning to the committee.

I'm glad to be here as you begin your discussion with respect to Bill C-71, which is legislation that upholds our government's commitment to help protect Canadian communities from gun violence while ensuring fair and reasonable treatment for firearms owners and businesses.

I'm happy to be joined today by Randall Koops, who is director general of policing policy at the Department of Public Safety. Superintendent Paul Brown is the acting director general of the Canadian firearms program within the RCMP. Paula Clarke is from the Department of Justice.

[*Translation*]

We have no more important responsibility than the protection of Canadian communities, and all the elements of this bill are directly related to public safety. They will better protect Canadians from gun violence, while treating firearms owners fairly and reasonably.

[*English*]

While crime rates in Canada overall have been on the decline, thankfully, for decades, the rate of gun violence has been going up in recent years. Between 2013 and 2016 the number of criminal incidents involving firearms rose by 30%. Gun homicides in that period went up by two-thirds. Intimate partner and gender-based violence involving firearms was up by one-third. Gang-related homicides, most of which involve guns, were up by two-thirds. Break-ins for the purpose of the stealing of firearms were up by 56% between 2013 and 2016, and by a whopping 865% since the year 2008.

The problem is obvious. The bottom line is that we have a problem of increasing gun violence in Canada. It's not a problem we can blame on other countries, because police in British Columbia, Toronto, Calgary, Regina, Ottawa, and other places now confirm that most guns used to commit crimes in Canada are domestically sourced. It's not a problem limited to urban centres. In Atlantic Canada, for example, over half of all gun crimes occur in rural areas, and over 60% of gun crimes in my own province of Saskatchewan happen outside of the major cities.

This is a Canadian problem and it's a Canada-wide problem. We need to tackle it head-on in ways that are effective and focused on public safety outcomes while ensuring the firearms owners and businesses are treated fairly and reasonably.

Bill C-71 accomplishes those objectives.

First, it will enhance background checks for people seeking to acquire firearms. As I noted at second reading, this particular measure was proposed some 15 years ago by former Conservative cabinet minister, James Moore. It does seem to have very broad support.

Right now, when a person applies for a licence, there's a mandatory look back over the immediately preceding five years to see whether they have in that period of time been engaged in any violent behaviour or been treated for a mental illness associated with violence. Bill C-71 will remove that five-year limitation so that a person's entire record will be taken into account. That will help ensure, quite simply, that people with a history of violence do not get guns.

The legislation will also help ensure that people who acquire firearms are actually licensed to own them. Since 2012, all that has been required in this regard at the time of a sale is that the vendor have "no reason to believe" that the purchaser is not licensed. It's a double negative. Vendors often check anyway, but they are not, in fact, required to do so.

● (1105)

That can be a problem, for instance, in the case of a long-time customer of a small firearms shop who recently committed an act of violence and had his licence revoked. The owner of the shop wouldn't particularly know that, but if he's known that particular customer for many years, he just might assume that the licence is still valid and sell him a firearm anyway, in good faith, because he had no reason to believe the contrary.

Bill C-71 will require a quick phone call or online verification before any sale to make sure that the buyer's licence is still valid. That is just common sense. It's the licence that is being verified. There is no reference in this process to any particular firearm.

This bill will also ensure that the classification of firearms is based on public safety and not on politics. Parliament will continue to control the definitions that create the three classes of firearms. Bill C-71 repeals the authority the last government gave itself to overrule the RCMP's application of the law. As with many other laws and regulatory frameworks, the rules will be established by elected officials and then they will be applied by law enforcement.

As part of this change, the two instances where the previous government overruled police experts will be reversed, but we will allow people who have acquired these two types of firearms to be grandfathered in the interest of fairness, because they acted in good faith at the time.

Bill C-71 will also reinstate the requirement to get authorization before transporting restricted and prohibited firearms, with two key exceptions: taking a firearm home after you buy it, and taking it back and forth between your residence and a shooting range. This will help police who encounter someone transporting a prohibited or restricted firearm. It will help the police determine whether it's being transported for a legitimate purpose. Getting authorization is, again, a matter of a simple phone call or logging into an online portal. It should not be an onerous burden.

Finally, this bill will reinstate the rule that was in place from 1979 to 1995, requiring firearms businesses to keep track of their sales. This is something that has been compulsory in the United States since 1968. Most Canadian vendors do it today even though they don't have to. Standardizing this good business practice will help police trace guns used in crimes, detect straw purchasing schemes, and identify trafficking networks.

Critically, the records will be privately owned by the retailer. They will not be accessible to government, but police will be able to gain access for the purposes of a criminal investigation on reasonable grounds and with judicial authorization, as appropriate.

The fact is, the legislation is a direct and practical response to the growing problem of gun violence in Canadian communities and it treats firearms owners and businesses reasonably and fairly. That is why the Canadian Association of Chiefs of Police called it "sensible firearms legislation enhancing the tools available" to police "to ensure public safety".

Mr. Chair, I'm happy to try to respond to the committee's questions.

● (1110)

The Chair: Thank you, Minister Goodale.

Ms. Damoff, you have seven minutes please.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

Minister, thank you for joining us today on this very important piece of legislation.

I want to focus my first question on the issue of domestic violence, gender-based violence, and intimate partner violence. We know that not only are firearms used in this case but, more importantly, they're also used as a means to threaten the partner, like holding, in most cases, a woman hostage, because they know that their partner has a firearm. I have personal experience with a good friend whose ex-husband legally owned firearms and used those as a threat for violence to hold her hostage.

Minister, I want to ask you about the background checks. The chief firearms officer has a very prescriptive list of what they look for on background checks. When I've talked to some of the organizations that deal with women who are fleeing abuse, they've asked if it would be possible to add something along the lines of "any other risks associated with violence", so that when the background check is being done, it's expanded slightly beyond that prescriptive list.

I understand that they've spoken with you about this. What are your thoughts on adding something along those lines?

Hon. Ralph Goodale: Ms. Damoff, the debate around firearms and gun violence can sometimes become very divisive. People hold strong points of view, and they argue those points of view aggressively. However, one thing I've noticed in this debate, and particularly on that provision about expanding background checks, is that there seems to be a very broad consensus that cuts across all perspectives and points of view, and indeed across all political parties.

I mentioned in my remarks that the origin of some of this content goes back to James Moore, who was a very prominent member of the former Conservative government. There appears to be broad public support for the notion of strengthening background checks so that *ab initio*, if someone is applying for a licence and they have a record of violence or mental issues that lead to violence, they can be denied that licence. Whatever people may argue about other provisions in the bill, with that general consensus about background checks we will be able to achieve a process that accomplishes a very important public policy objective.

Perhaps I could ask either Randall Koops or Paul Brown from the firearms centre if they have any specific comments on the questioning that goes into determining the eligibility with respect to a background check.

● (1115)

Ms. Pam Damoff: I'd like to clarify, because they did feel it could be strengthened somewhat so it would be broadened to include risks associated with violence. I know right now you have to have a criminal record. If there's a record of police visiting a home because of domestic abuse, for example, would that be grounds to turn down a firearm when someone hasn't been convicted of an offence?

Mr. Randall Koops (Director General, Policing Policy, Department of Public Safety and Emergency Preparedness): It could be. Bill C-71 doesn't change the criteria that are considered. It would only change the mandatory time frame within which they must be considered. One of those mandatory criteria is whether a person has been convicted of an offence during the commission of which violence against another person was used, threatened, or attempted. If there has been a conviction on a criminal offence that includes violence, that is triggered by the review.

Regarding the question about visiting by the police, when police visit a home and there is a question of threatened violence with a firearm, they provide to the chief firearms officer of the province what's called a firearms interest police report. That is brought to the attention of the chief firearms officer of the province so they can review whether the person is still eligible to hold a firearms licence.

Ms. Pam Damoff: Thank you.

My next question has to do with the authorization to transport. I understand that Quebec and P.E.I. can limit the transport of firearms to a particular range or shooting club, and I also understand that legislation in the 1970s also included that provision, so if you owned a firearm, you could only take it from your home to the shooting club you belonged to. The way this legislation is worded, it would allow you to take the firearm anywhere within the province where you reside. If I lived in Oakville, Ontario, and I was on the road to Ottawa, someone who owned a firearm could say to the police that they were going to a shooting club in Ottawa.

I'm wondering if there is any openness on the part of the government to include an amendment that would bring the rules around these authorizations to transport more in line with those in Quebec and P.E.I. where you need to be a member of the gun range or shooting club to transport the weapon there.

Hon. Ralph Goodale: Ms. Damoff, you're into an area where provincial and federal jurisdictions intersect. The provinces, as I understand it, have the authority to approve ranges or not, and some provinces take a bit of a different approach from others.

Perhaps I could ask Randall to explain the jurisdictional issue here. It's certainly an issue that we would be prepared to discuss with the provinces, but there may be a question of whether or not we have the complete authority.

Ms. Pam Damoff: I have only 30 seconds left.

I understand it used to be in the federal legislation back in the 1970s and then it was changed.

Mr. Randall Koops: I'm not sure of that right now. We can check that for you and come back in the second hour.

Ms. Pam Damoff: Okay, thank you.

The Chair: We'll come back to that question at some other point.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

I would like to give verbal notice of a motion.

I would like the new national security advisor, Ms. Greta Bossenmaier, to be invited to the committee as soon as possible.

The motion will be tabled on Thursday, but I am giving verbal notice today.

Thank you.

[*English*]

The Chair: Okay, thank you.

[*Translation*]

Mr. Pierre Paul-Hus: Hello, Mr. Goodale, ladies and gentlemen.

Mr. Goodale, you are presenting the bill today. In your remarks, you provided various statistics on violence, gangs, and all types of violence, drawing on data from 2013. You and I both know, however, that the crime rate in 2013 was exceptionally low as compared to the past 50 years in Canada. Yet you use the data from 2013 to show that there has been an increase in violence. If you exclude 2013 though, the average has not really increased significantly. I did not calculate that. It was Mr. Gary Mauser, from Simon Fraser University, who testified to that effect. You are using 2013 to justify the adoption of your bill.

I would like to know how Bill C-71 will address one of the main problems in Canada, which is violent crimes committed by street gangs. The chief of police from your home town of Regina said that street gangs are the main problem. The members of those gangs do not buy their guns legally. Bill C-71 does not offer any solution to this problem.

How do you think Bill C-71 will address the problem of street gangs?

● (1120)

[*English*]

Hon. Ralph Goodale: Thank you, Mr. Paul-Hus. I'm very glad to have your question.

With respect to the statistics, the numbers are really quite startling. As you look at the trend for almost all types of crime over the long term, the numbers have been steadily improving for Canada. The rates of crime generally have been going down.

Something changed around 2013, because between 2013 and 2016, which is the last year for which we have full statistics—we'll get the statistics for 2017 later on this year—the numbers with respect to gun violence took a turn in the opposite direction. They began to increase, contrary to the general trend for most other types of offences, which have continued to go down. But overall, the incidence of gun violence went up by about 30% between 2013 and 2016. I mentioned specific offences in my remarks, which show that trend upward.

[*Translation*]

Mr. Pierre Paul-Hus: Okay, but violent crimes are committed primarily by street gangs.

Bill C-71 pertains to gun owners, such as hunters and sport shooters. The bill establishes new rules for them, but does not include anything for street gangs. The majority of the crimes you mentioned are committed by criminals and not law-abiding citizens.

Do you have any figures on the percentage of crimes committed by gun owners who bought their guns on the legal market as compared to the percentage of crimes committed by street gangs?

[*English*]

Hon. Ralph Goodale: You had two elements in your first question. One was the statistics. The point I'm trying to make is that the statistics do verify our point. There has been a pretty substantial increase between 2013 and 2016. We hope to, through this legislation or other means, help turn that trend line downward again.

With respect to gangs, I think it needs to be acknowledged that this legislation is in the context of a larger public safety package that includes an investment by the Government of Canada of some $370 million over the next five years, and then $100 million a year with which we will be partnering with provinces, law enforcement agencies, and municipalities on a broad range of initiatives to tackle the issue of violence caused by gangs including most particularly guns and gangs.

[*Translation*]

Mr. Pierre Paul-Hus: Do you agree that there is nothing in Bill C-71 that tackles the problem of street gangs? The word "gang" is not even in the bill. As a result, in its current form, Bill C-71 will not address the problem of illegally obtained guns.

[*English*]

Hon. Ralph Goodale: The legislation, as indicated by the Canadian Association of Chiefs of Police, will assist the police in investigating guns used in crime and crime that uses guns. The police chiefs association's—

[*Translation*]

Mr. Pierre Paul-Hus: You and I both know that the guns that gangs use come from the black market. Criminals do not buy their guns from legal gun vendors in Canada. Those guns come from elsewhere, and that is the problem.

[*English*]

Hon. Ralph Goodale: Where does that black market originate? Perhaps it's from thefts from gun shops and from pawn shops. I can think of a couple of instances in the last year, in my own province of Saskatchewan, where legal guns, restricted weapons, in one instance were in a pawn shop and in another instance were in a very reputable gun shop, and they were stolen in a break-in. These legal weapons became illegal weapons in the black market because of that.

Some of the tools we're providing in Bill C-71 will assist the police in tracking that evidence to find out where there are black market operations and to interdict those guns.

[*Translation*]

Mr. Pierre Paul-Hus: You are saying that legal firearms vendors might perhaps sell such firearms on the black market, but can you gives us more information today about the source of guns in Canada? Are they brought in over the Canada-U.S. border? Do they come from elsewhere? The guns entering Canada are a problem.

● (1125)

[*English*]

Hon. Ralph Goodale: Police authorities have told me—for example, the police in Surrey, British Columbia, and the police in Toronto—they would have said three to five years ago that the major source was smuggling operations coming in from the United States. However, they believe the nature of the source has changed, so that there is less smuggling in from the United States and more domestic sourcing of illegal weapons through, for example, break-ins in which perfectly legal guns are stolen and put into the black market in Canada.

The police have said—

The Chair: We're going to have to leave that answer there.

Hon. Ralph Goodale: —the nature of the source is different now from five years ago.

The Chair: Thank you, Minister.

Thank you, Mr. Paul-Hus.

Mr. Dubé, you have seven minutes, please.

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you very much, Mr. Chair.

I would like to thank the minister and his colleagues for being here.

Mr. Goodale, in your remarks, you talked about the definitions of the classes of firearms. Yet Bill C-71 does not address that. You know full well that several groups and individuals, including PolySeSouvient, senior public safety officials in Quebec, and the victims of the Quebec City mosque shooting and their families have challenged you and the Prime Minister about the presence of assault weapons.

Here is the issue that raises. Whether through Bill C-71 or in a future debate, in light of your comments, would you be open to leaving the definitions in the hands of parliamentarians? Should they be revised for greater consistency and clarity? That would benefit both firearms owners and those pursuing public safety objectives.

[*English*]

Hon. Ralph Goodale: Mr. Dubé, thank you for the question.

We have put into Bill C-71 a very important change in process by ensuring that the decision with respect to the technical categorization of firearms is in the hands of the professional unit within the RCMP and is not subject to a political second guess. The principle here is the one you mentioned, that Parliament should define the categories and then the experts within the RCMP should make the technical judgment as to which firearm falls into which category.

Certainly, my attitude toward any legislation before a standing committee is that, if Parliament wishes to make a proposal to amend that legislation, I will give it fair consideration. I'm open to all constructive suggestions and ideas.

[*Translation*]

Mr. Matthew Dubé: As the minister, would you be interested in reviewing the bill with all the stakeholders on both sides of the debate?

[*English*]

Hon. Ralph Goodale: I maintain my position on all amendments that if there is a constructive proposal, and one indeed on which you are able to achieve a degree of consensus across party lines, that is something we could look at. Obviously, I would need to see the exact proposal, but I don't reject any proposition out of hand coming from a parliamentarian.

Mr. Matthew Dubé: Minister, I want to ask you about subclause 3(1), which amends section 12 of the act to add proposed subsection 12(9), "Grandfathered individuals—regulations". In proposed paragraph 12(9)(c) we talk about:

> class beginning on the day that is prescribed — or that is determined under the regulations

There are two brands of firearms that are mentioned in the bill as being grandfathered. I'm wondering if that means there would be collaboration with the RCMP if the RCMP changes the classification for grandfathering on a case-by-case basis through regulation.

Hon. Ralph Goodale: Again, the definition of the class is up to Parliament. That's a legislative prerogative. The RCMP makes the technical determination as to what firearm falls within each class according to the definition by Parliament.

● (1130)

Mr. Matthew Dubé: Once that happens, if the RCMP makes that assessment, is this allowing you, through regulation, to grandfather a firearm if the RCMP deems it part of either the restricted or prohibited?

Hon. Ralph Goodale: For the purpose of these two weapons, the answer to that is, yes, because the people who acquired those firearms during that period of time did so according to the law that existed at the time, and they did so in good faith.

Mr. Matthew Dubé: For those ones, I'm just wondering if the door is open for other—

Hon. Ralph Goodale: Could I ask Ms. Clarke to provide you with more detail?

Mr. Matthew Dubé: Of course.

Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice): Hi. My name is Paula Clarke. I'm counsel at the Department of Justice.

The act is proposing to create an authority for the Governor in Council in the future to be able to grandfather by regulation any firearm that is later redetermined to be prohibited. This is so if it were initially determined to be restricted or non-restricted, and if further information comes to the attention of the Canadian firearms program and a redetermination is made that the firearm is prohibited, a simpler mechanism is in place to allow the government to very quickly grandfather the existing owners and to give them time to come into compliance with the licensing requirements for prohibited firearms.

Mr. Matthew Dubé: Thank you for that.

[*Translation*]

Mr. Goodale, I asked you a question in the House about the standardization of practices used by firearms vendors. As you said, this is already being done in the United States.

How will you apply the best practices and make sure that the process is as easy as possible for firearms vendors? Everyone should be on the same wavelength and it should be possible to implement the provisions of the act easily.

[*English*]

The Chair: Very briefly, please.

Hon. Ralph Goodale: The idea here, Mr. Dubé, is to take what is pretty standard practice among retailers right now and make that a requirement. In other words, it's a good business practice. It used to be followed as a matter of law in Canada. That changed in the 1990s. We're proposing to go back to those standards where Parliament would lay out the type of information that needs to be retained, and the commercial sellers will be required to maintain that information.

Some may choose to do it in a handwritten manual form. Others may choose to do it by a computer system or an automated inventory system. The actual method will be up to the retailer, but the important thing is the maintenance of those records. They will be the private property of the retailer. They will not be accessible to governments, but if the police are conducting a criminal investigation and they have reasonable grounds and, where appropriate, a warrant or a judicial authorization, the police would have access to those records in order to pursue a criminal investigation.

The Chair: Thank you, Minister, for those extensive answers—members being less extensive, and the minister being more extensive.

Mr. Fraser, welcome to the committee. You have seven minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much, Mr. Chair.

Thank you Minister, for being here.

Thanks to my fellow committee members for allowing some time for a rural MP to take part in this study, which is very important to my constituents.

Minister, thank you as well for the many opportunities to discuss this file while you were developing the legislation.

During the last campaign, there was some fear around the former long-gun registry. I know the Prime Minister tweeted on March 20 that there would "not be a long-gun registry, not now or ever, under this government".

Within days, I started seeing targeted ads from the official opposition saying, "Stop Trudeau's new long-gun registry." In my mind, this was an attempt to sow confusion for partisan purposes. I'm going to give you an opportunity to set the record straight.

When it comes to the mechanism for tracing firearms used in crimes, can you assure the public and me, as a rural MP, that before access will be granted to any information about who owns a firearm that's privately held by a vendor you would require reasonable grounds to believe that a crime had been committed as well as the authorization of a court through a warrant?

● (1135)

Hon. Ralph Goodale: Those are the normal procedures, Mr. Fraser, that the police apply whenever they are investigating in a way that involves private property. They need to have reasonable grounds. If the owner of that property is unwilling to allow access to the property, then the police would have to obtain the appropriate warrant from a court.

Mr. Sean Fraser: Excellent.

With respect to the verification process for a licence, which you described, and which commonly takes place in many cases, save for the extra step of calling to verify it with someone centrally, how long is this actually going to cause someone at the point of sale to wait before they can actually obtain the firearm?

Hon. Ralph Goodale: Service standards are important. It will be incumbent upon the firearms program to respond in an expeditious fashion. This is a process that should only take a matter of minutes to satisfy over the telephone. If it's online, it should be almost instantaneous.

Mr. Sean Fraser: Building on that, authorization to transport is one of the issues that I hear about most in my community. Rural, responsible, law-abiding gun-owners—the vast majority of gun-owners in my experience are precisely that. They do raise some concerns around the ATT process.

One of the things I'm curious about has to do with trying to call to get an ATT over the course of a weekend, when gun shows typically take place. I don't know if you've ever tried to call the federal government on a weekend, but they don't always answer. I'm curious if there are going to be services extended to ensure that, no matter what time of week, there would be an opportunity for somebody seeking an ATT to get it in a reasonable amount of time.

Hon. Ralph Goodale: Online, of course, the service will be there. For people using the telephone, the firearms program recognizes that events, activities, sales, shows, and so forth take place out of the normal business hours. They are examining what augmented hours, time, or services they need to provide in order to make sure that the service is available.

Mr. Brown, do you have something you could add on that, in terms of convenience for the public?

Superintendent Paul Brown (Acting Director General, Canadian Firearms Program, Royal Canadian Mounted Police): Yes. With regard to gun shows on weekends, etc., what we plan to do would be to actually work with those gun shows, trade shows, so that we can come up with something well in advance. If we know a gun show is going to be happening on a set weekend, we'll be able to staff up our resources accordingly on the phones to answer that. Other mechanisms would be...if we don't know in advance, it makes it very difficult to plan for that.

Mr. Sean Fraser: Certainly. I think this is an important one, recognizing that many of the rural residents I represent may not even have connectivity to take advantage of the Internet signal. I do appreciate where you're coming from.

In addition to gun shows, the other example of a destination that a gun-owner might wish to transport their restricted firearm to is a gunsmith. I'm curious if there is a problematic outcome, from a safety perspective, that would prevent the extension of an ATT, an automatic exemption to the gunsmith, in addition to a particular range.

Hon. Ralph Goodale: Mr. Fraser, the legislation proposes to reinstate the requirement for authorizations to travel, but there are two types of travel that tend to be the most predominant and, if I could describe it this way, the most normal or usual. They would be from the point of purchase to the owner's home or from the home to an approved shooting range.

● (1140)

Mr. Sean Fraser: Do you have an understanding of what percentage, for example, of the travel with a restricted firearm that would represent?

Hon. Ralph Goodale: If you would add those two things together, it would probably be well over 90%.

Mr. Sean Fraser: I may get into this a little more with the second panel, but in the interest of making use of my time, I'll shift to the last topic I wanted to address.

Hon. Ralph Goodale: Could I just underline one point?

Mr. Sean Fraser: Certainly.

Hon. Ralph Goodale: When we're talking about the authorizations of transport, this relates exclusively to prohibited and restricted weapons. It does not apply at all to hunting firearms and unrestricted weapons.

Mr. Sean Fraser: Thank you. I appreciate that point.

The Chair: You have a little less than a minute.

Mr. Sean Fraser: Thank you very much.

Finally, with respect to classification, I do know that sometimes parliamentarians are inclined towards knee-jerk reactions. In fact, sometimes they're rewarded for it, whether it's responding to an incident in another part of the world or potentially responding to the needs of a lobby organization.

I'm curious. If the RCMP are going to be in charge of the classification decisions, is there anything preventing them from releasing reasons in the interests of transparency as to why a particular firearm is classified a particular way?

The Chair: Very briefly, please.

Hon. Ralph Goodale: Not to my knowledge, Mr. Fraser. If that helps with transparency and in reassuring the public as to why a particular decision was taken, I would be more than happy to pursue that with the experts within the RCMP so that people have a full understanding about why a classification was made in a certain direction.

The Chair: Thank you, Mr. Fraser, and thank you, Minister.

Mr. Motz, you have five minutes, please.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here today.

While I applaud, and I think all Canadians applaud, the concept that gangs and gun violence is something we all have to pay attention to and deal with, I have to suggest that, as I read this bill, it's embarrassingly lacking in anything that addresses gun violence with respect to gangs. You talk about this legislation being gang and gun focused, yet there is no reference whatsoever in this bill to gangs, guns, or criminal organizations.

I have to also suggest to you that I chuckle at the stats you have used, and how you have skewed them, because as you know, the commission of an offence for the theft of firearms was not a criminal offence until 2008 to 2010, and it took a while for that to get through the system. You suggest there has been an 800% increase, which suggests we should have about 1,200 when actually the stats from Statistics Canada suggest we have less than 900 that have been prosecuted in the last seven or eight years of this being there. I find interesting the use of stats to try to support the theft of guns and that the theft of guns is actually the problem here. It isn't.

We know that for the organized crime groups, especially in Toronto, it's the straw purchases. You have a somewhat legitimate gun owner or PAL owner come in and acquire a large number of firearms and then sell them to organized crime. It's a practice. It's what happens, and we know this happens all the time.

Your colleague, though, has introduced Bill C-75, a reduction of any sort of penalties for thefts, for the commission of an offence with a weapon, and these sorts of things. I'm really struggling, sir, to find out where and how you believe this will actually impact positively the gang violence and gun violence that's going on in this country. It's a regulatory bill that does nothing but target law-abiding gun owners. It does zero.

Hon. Ralph Goodale: Well, Mr. Motz, you're entitled to your perspective and your opinion. I respectfully disagree.

I believe that enhancing background checks is an important improvement in the law. I believe the validation and verification of existing licences is an important improvement in the law. The provisions with respect to transportation, classification, and inventory are all important improvements in the law. The Canadian Association of Chiefs of Police have said that they believe this is sensible, practical legislation that will help them to fight crime that is connected to firearms, and it will be helpful for them—

● (1145)

Mr. Glen Motz: Minister, I would suggest that the—

Hon. Ralph Goodale: Mr. Motz, you've made some assertions and it's fair that they be answered.

Mr. Glen Motz: You did answer what I asked initially and you've gone on from that. What I would like you to answer—

Hon. Ralph Goodale: I hope you accept the answer.

Mr. Glen Motz: —is that many of the members of the Canadian Police Association whom I've spoken to do not believe this is going to provide them with any sort of ammunition, if you will—pardon the pun—to fight their fight. The operational guys in the street are saying that this does not address the issues they're dealing with. This does nothing to deal with those issues.

I do take exception to that. I'm curious to know what evidence your department has, what studies have been done, for you to suggest that this will have a positive impact on gun violence and gang violence.

Hon. Ralph Goodale: Let me cite your own colleague, James Moore, who was a distinguished member of the Conservative caucus, a distinguished member of the cabinet of Stephen Harper, who made a very eloquent argument in favour of the improvement in background checks. I quoted his entire speech in my second reading remarks in the House of Commons, so they're on the record.

There are those, like you, who take a contrary perspective, but I believe sincerely—

Mr. Glen Motz: That's based on experience.

Hon. Ralph Goodale: I believe sincerely that there are five important measures in Bill C-71 that will contribute to public safety in a very meaningful way. Bill C-71 itself is in the context of a larger policy package that in part deals with guns and gangs, and we are committing up to $100 million per year to invest with provinces, police forces, and municipalities on specific initiatives with respect to gangs, including prevention, intervention, interdiction, and withdrawal from gang organizations.

The Chair: We have to leave it there.

Hon. Ralph Goodale: We held a very important conference on that topic about a month ago.

The Chair: Thank you, Minister.

Mr. Fragiskatos, you have five minutes.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you very much, Mr. Chair.

Thank you, Minister and officials, for being here today.

One of the issues that unfortunately arises—and we've heard reference already to misleading, targeted ads on social media and the like—is the perception that this is a gun registry.

Minister, you've been clear already, but I wonder if you could go over again—it would be appreciated—the sort of information that would be kept by gun vendors. What information would be kept, and how would it assist police in investigations?

Hon. Ralph Goodale: I'm going to ask if Paula or Randall can detail the specific information that commercial retailers would be required to retain.

Ms. Paula Clarke: There would be no specifically identifying information that would be retained by the firearms businesses. The information relates to the date of the purchase, the firearms licence number, and the make, model, and other descriptive information of the firearm that was sold.

Mr. Peter Fragiskatos: Thank you very much.

Minister, you talked about how this would assist in investigations, straw purchases, and the like. I wonder if you could go into that one more time.

Hon. Ralph Goodale: It's the beginning point for a police investigation, and maybe Superintendent Brown can describe more precisely in terms of police procedure how this is of assistance. The point is that if the police have the necessary reasonable grounds and they get the judicial authorization as necessary, they would have access to the records to help them in the process of tracing either weapons used in crime or other nefarious activities, like the straw purchases.

Mr. Brown, could you add some more detail?

Supt Paul Brown: Yes, thank you.

With regard to a firearm that's deemed to be a crime gun, what we would do as law enforcement would be to conduct a trace on said firearm. That would mean any identifying characteristics—make, model, manufacturer, serial number—would be put through the tracing system to hopefully get back to the closest owner of the firearm, or, if not, as far back as we can go so we can start to trace forward.

That could be from the United States, as a manufacturer, and imported into the country. Say if it's imported from the United States, it allows us to determine where it was imported to. We go to the distributor to determine if they have the firearm, through their records. Then, if it is identified as being there, it allows us, through the information obtained within the business ledger, to determine who the actual purchaser would have been.

● (1150)

Mr. Peter Fragiskatos: At any point in this process, will purchasers be required to disclose where they keep guns in the home and things of this nature? No. Thank you for putting all of this on the record. To me, it confirms what is already obvious, but unfortunately, because of misleading information that's being put out there, especially by the official opposition, we see again that this is clearly not a gun registry.

One of the other issues that arises from misleading information is the perception among some in the country that the federal government is going after law-abiding firearms owners. To me, this is about responsible gun ownership. We respect hunters and hunting. I wonder if you could speak to the fact that this is not targeting hunters or people who follow the law. This is about public safety.

Hon. Ralph Goodale: From the very beginning, we have tried to make that point abundantly clear. Our objective here is to gain practical improvements in public safety without imposing any kind of intrusive or unreasonable burden on law-abiding Canadian citizens or law-abiding Canadian businesses. I know that this is an intense and emotional topic, and people have strong feelings on various sides of the argument, but if you take a practical run through the legislation, there is nothing here that is an unreasonable burden on people who are going to follow the law, and the vast majority of Canadians do.

Mr. Peter Fragiskatos: Thank you, Minister.

The Chair: Thank you, Mr. Fragiskatos.

Mr. Calkins, you have five minutes.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Thank you, Chair.

Minister, what are your department's expected results? What has your department told you in so far as if Bill C-71 were to pass in its current form, there would be a decrease in illegal guns crossing the border from the United States?

Hon. Ralph Goodale: As Mr. Brown has just explained, the legislation will help in the tracing of firearms.

Mr. Blaine Calkins: In order to trace something, it must be registered. You must have a registry in order to trace something. Is that correct?

Hon. Ralph Goodale: No.

Mr. Blaine Calkins: Otherwise, what would you trace against?

Hon. Ralph Goodale: You would trace against the commercial records maintained by the retailers.

Mr. Blaine Calkins: In a registry?

Hon. Ralph Goodale: No.

Mr. Blaine Calkins: Yes, it is. Whether it's a transactional registry or not, it's a registry.

Hon. Ralph Goodale: It's their inventory, which is not maintained by government. They are their own private property owners.

Mr. Blaine Calkins: Would you agree that you can't trace against records if the records don't exist?

Hon. Ralph Goodale: It's the inventory that is kept by commercial enterprises that police can have access to, but not government.

Mr. Blaine Calkins: Without a warrant.

Hon. Ralph Goodale: No, the police require judicial authorization to access this private property like they do with other kinds of private property.

Mr. Blaine Calkins: But you don't have any statistical or empirical evidence from your department that suggests that any measures in Bill C-71 will actually reduce or stem the flow of illegal firearms from the United States.

Hon. Ralph Goodale: I have the professional opinion of the Canadian Association of Chiefs of Police.

Mr. Blaine Calkins: You're welcome to your opinion, but not that of the police officers or anybody else who you've managed to quote.

What evidence does your department have to suggest that Bill C-71 will reduce gun crime associated with gangs?

Hon. Ralph Goodale: The provisions that make it possible to trace crime guns is one element. The provision with respect to transportation is another element. The overall context is the guns and —

Mr. Blaine Calkins: Are you suggesting to me—

Hon. Ralph Goodale: —gangs initiative, which we will fund with the provinces.

Mr. Blaine Calkins: Give me some numbers, Mr. Goodale. How many people on their way to the gunsmith are committing crimes?

Hon. Ralph Goodale: The—

Mr. Blaine Calkins: You don't know the answer to the question. That's fine. It's okay to say you don't know.

Hon. Ralph Goodale: The objective of that provision is to make sure that police have the ability to detect unusual movements of restricted and prohibited weapons, not ordinary non-restricted firearms like hunting rifles. It's only for restricted and prohibited weapons.

Mr. Blaine Calkins: I'm fully versed, actually.

What provisions in this bill will crack down on those who steal lawfully owned firearms?

Hon. Ralph Goodale: In terms of the background checks, the provisions in the act make it less likely for people who should not have firearms to acquire them.

● (1155)

Mr. Blaine Calkins: That's not my question, Mr. Goodale. My question to you was, what provisions in the bill are going to crack down on those people who steal lawfully owned firearms. You said in your remarks that the firearms are domestically sourced through theft. I'm asking you what provisions you're going to include to deal with the thieves who are stealing guns from law-abiding citizens.

Hon. Ralph Goodale: The provisions in the act will make it easier for the police to track those weapons, and, in fact, find the sources of the crime.

Mr. Blaine Calkins: Again, it's in order to track that they're going to have to have a registry to track or trace it against.

Hon. Ralph Goodale: No, it's by the commercial inventories that are maintained by private businesses, and you need to have the appropriate reasonable grounds and judicial authorization to access those inventories.

Mr. Blaine Calkins: If you were to withdraw all the sections of the legislation that dealt with everything other than the increase of the background check to obtain unanimous support of the bill, would you do so?

Hon. Ralph Goodale: The package that we have before us is one that is reasonable, fair, and balanced. It's a package that hangs together, and I think it's fair and reasonable.

Mr. Blaine Calkins: Okay.

Mr. Chair, I move that the regular members of the committee, before clause-by-clause study of Bill C-71, travel to a shooting range for a hands-on instructional day that would include meeting with the range officer for a question and answer session on firearms, firearms safety, and firearms legislation.

The Chair: The motion is received.

You still have a minute left.

Mr. Blaine Calkins: You told me I had a minute before, but....

The Chair: I know, but....

Mr. Blaine Calkins: All right.

Continuing with the continuous eligibility requirements, Mr. Goodale, are you aware of what that means?

Hon. Ralph Goodale: I'm sorry...?

Mr. Blaine Calkins: Continuous eligibility requirements: do you know what that means, when I speak about it?

Hon. Ralph Goodale: Yes.

Mr. Blaine Calkins: Every day, every licensed firearms owner in Canada is flagged and their names are run to see whether or not they should be allowed to have their licence.

Would you agree with my assertion?

Hon. Ralph Goodale: It's a continuous process of examination.

Mr. Blaine Calkins: Yes, every day.

Given that, in moving the requirements to 10 years from five years, what evidence does your department have that the continuous eligibility process will pick up something that would alert them to domestic violence? For example, when Bill C-42 was passed, there was a clause in that bill that strengthened the provision and cracked down on people committing domestic violence.

Is there anything in your bill that's going to crack down on people who commit domestic violence?

Hon. Ralph Goodale: There are other legislative measures and a very extensive funding package, which we're implementing right now, on gender-based violence.

Mr. Blaine Calkins: Are you talking about Bill C-75, because the provisions—

Hon. Ralph Goodale: No, it's far beyond that.

The Chair: Mr. Calkins, your time is up.

There is a motion before us. The motion is relevant to the current debate and the bill that is before us, so at this point, we have to debate the motion.

Mr. Calkins, do you want to present your motion again?

Mr. Blaine Calkins: I already presented my motion, Mr. Chair. I believe there is a significant lack of understanding of what actually happens in the law-abiding firearms community. I think the information campaign that resulted in the current government's proposing its legislative package is based on a lot of misinformation.

I think one of the best ways we can deal with that is for all of the regular members of this committee to spend a little bit of time at a range. I think it would do us all a little bit of good. I think it would be a good time, a fun time, and an informative time for the members of the committee.

If we're going to pass legislation or pretend to know what we're talking about, I think it behooves the committee members, Mr. Chair, to visit a range. Let's do something locally. It doesn't have to take a lot of time outside the normal hours of this committee. I don't think it's an onerous requirement at all.

The Chair: Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Mr. Chair, while I'm very interested in the motion and interested in visiting a range, at this point I'm more interested in hearing Mr. Goodale, so I move to adjourn debate.

The Chair: The question is on the motion to adjourn debate.

(Motion agreed to)

Hon. Ralph Goodale: I saw Mr. Motz vote in the most reasonable manner.

The Chair: Mr. Spengemann, you have the last few moments.

Mr. Sven Spengemann: Mr. Chair, thank you very much.

Minister Goodale, thank you for being here with your team.

This legislation can be looked at through a number of lenses. My colleague Ms. Damoff explored with you the gender lens. I would like to take the remaining time to ask you about two additional lenses, one of them that of young people, particularly young people at risk. I'd invite you to elaborate a bit more about the wider circle and the initiatives you've already mentioned with respect to gangs and violence, and also potentially the Canada Centre for Community Engagement and Prevention of Violence, and how at-risk youth intersect with this legislation.

As to the second, time permitting, I would like to hear your perspective on what we've heard from indigenous stakeholders, particularly those folks who use firearms for hunting for food, but also for business—for guiding, for activities in the north that are centred on the firearm basically as an economic resource.

● (1200)

Hon. Ralph Goodale: Mr. Spengemann, you've touched on important dimensions here.

I believe our provisions with respect to background checks will be helpful in relation to the issues you have raised. The Canada Centre for Community Engagement is not directly related to this initiative, but it runs on a parallel track, trying to ensure that people who are at risk of going down a wrong path in life can have that identified at an early stage and an intervention can be prepared that will assist them.

We held the guns and gangs summit here in Ottawa a couple of months ago. It was a very well attended summit. Something in the order of 200 people were there, representing all perspectives, from those who you would say were on the pro-firearms side and those who were on the anti-firearms side, and many people between those two points of view. Law enforcement was very much present, but also groups and organizations representing young people wanting to ensure their communities were safe.

They made many suggestions on how to prevent engagement with gangs, how to intervene with gang organizations to help young people escape that negative lifestyle, how police can organize themselves and interrelate to one another in integrated units so they can be more effective in combatting gang activity. To support all those very worthwhile ideas, we've made a commitment to invest up to $100 million per year working with the provinces, municipalities —major city governments like Toronto, for example, and others across the country—law enforcement agencies, non-governmental community organizations to develop the intervention p'ans that will be most effective in the local communities in stopping or at least substantially reducing the negative, dangerous behaviour that's involved with gangs, especially when they also have guns.

Mr. Sven Spengemann: Minister, what have indigenous stakeholders told us about the legislation?

Hon. Ralph Goodale: The support is good. They want to ensure that some of their cultural practices with respect to firearms are recognized and accommodated. We've had conversations with the Assembly of First Nations as to how we might see that accommodation accomplished, while still maintaining the public safety purposes, but doing so in a manner that is culturally respectful.

Another initiative that we need to complete is the inclusion of indigenous people on the Canadian Firearms Advisory Committee. An indigenous person was originally included in the membership of that committee, but they had to withdraw and we're now actively seeking a replacement for that person to complete the complement on the CFAC.

Mr. Sven Spengemann: Thank you very much.

The Chair: Thank you, Mr. Spengemann.

Thank you, Minister, for starting us off on the study of Bill C-71.

We'll give the minister a few minutes to leave and then reconvene with the officials.

We'll suspend for two to three minutes.

● (1200)

(Pause)

● (1205)

The Chair: Let's reconvene.

We have two new additions. Renée Gobeil and Rob O'Reilly, welcome.

I'm assuming you have no statement, so we will recommence with questioning.

First up is Mr. Fraser.

● (1210)

Mr. Sean Fraser: Thank you, Mr. Chair, for the opportunity.

Thank you to our witnesses for being with us today.

I want to pick up on the line of questioning that we heard in the first panel, around the bill having no explicit reference to gangs or crime. I forget the exact language that was used. In my experience there are plenty of examples of legislation that have an impact on certain people or certain things without using that exact term or phrase.

I want to go over a couple of examples. When it comes to the ability to trace firearms, in your opinion, is this going to help investigate crimes committed by criminals and gangs?

Mr. Koops.

Mr. Randall Koops: The bill proposes that police would be provided with an additional tool in their tool kit to undertake the forensic tracing of firearms, specifically knowing at the point of sale the purchaser of the firearm.

Mr. Sean Fraser: With respect to background checks and with the expanded ability to consider an individual's criminal history, presumably if that individual had committed crimes or had been part of criminal organizations, that would prevent the individual from acquiring a licence to own a firearm. Is that accurate?

Mr. Randall Koops: That's right.

Bill C-71 doesn't change those criteria, but the criteria that are there, that could be related to gang activity, would include the commission of an offence involving violence; the commission of trafficking offences under the Controlled Drugs and Substances Act, namely illegal drugs; or trafficking in firearms, which are activities that gangs are often involved in.

Mr. Sean Fraser: When it came to the process of verification, the minister mentioned in his opening remarks the example of individuals who are long-standing customers of a particular gun shop who may have had their licence suspended or revoked due to criminal behaviour, or potential participation in a criminal gang. Presumably that would be flagged upon an attempt to verify the point of sale and prevent that member of a criminal organization from acquiring a firearm in that instance. Is that fair as well?

Mr. Randall Koops: That's correct.

Mr. Sean Fraser: As an overarching theme, despite the fact that the exact words "gang" or "criminal" might not be there, in your opinion, would the investigation powers and the ability to prevent someone from acquiring a licence or firearm prevent a member of a criminal organization or someone who has committed crimes from committing gun violence?

Mr. Randall Koops: From obtaining a firearms licence, yes.

Mr. Sean Fraser: Going back to the issue of transportation, I met with members of the Nova Scotia Federation of Anglers and Hunters, and I know their Ontario counterparts are going to be testifying here today. This is one issue where they did express some reservations to me as a local representative, and I want to do my best to ensure their voices are heard and their questions are answered.

Specifically, in addition to the transport from the point of sale to their home, and the transport from their home to a gun range, there were two other areas where they said their common place posed no safety risk, and that was to a gun show and to a gunsmith. In fact, when it came to the gunsmith example, at least one constituent raised with me the fact that this was potentially going to be a disincentive for people to properly maintain their firearm.

One of the things I want to better understand is the safety outcome that is contemplated by the requirement of an ATT with the exception of to and from a home and then a gun range. Would extending that exemption to the gun show and a gunsmith jeopardize the safety outcome?

Mr. Randall Koops: The safety outcome provides police with one more tool, or one more piece of information, in their ability to challenge, if you will, someone as to where they are travelling in the community with a restricted or prohibited firearm.

Rob may have more detail on that.

Mr. Rob O'Reilly (Director, Firearms Regulatory Services, Canadian Firearms Program, Royal Canadian Mounted Police): The only thing I would add in relation to your question is that prior to 2015, when the regime existed, where there were no authorizations to transport automatically added as a condition on the firearms licence, everyone was required to apply for an authorization to transport for many purposes, but including the two purposes that you've given, namely, transportation to a gunsmith and transportation to a gun show.

In 2015, we issued approximately 143,000 authorizations to transport, and 96.5% of those were for the two purposes that remain under Bill C-71. We had approximately 250 ATTs issued for going to a gun show and 131 issued for going to a gunsmith, so it did not represent a significant number of authorizations to transport that were issued prior to their becoming automatic.

Mr. Sean Fraser: Are those figures, the few hundred to a gunsmith or a gun show, national figures for a restricted firearm going to a gunsmith or a gun show across the entire country?

Mr. Rob O'Reilly: That's correct.

Mr. Sean Fraser: In an entire year?

Mr. Rob O'Reilly: That's correct.

Mr. Sean Fraser: With respect to the classification issue, one of the things that speaks to me is...I'm a big believer in making sure, whenever there is a discretionary power for a government or an agency, that the public understands why that discretionary power was exercised. A constituent raised specifically with me the fact that he's uneasy with both the RCMP and Parliament making the classification. I don't know who the best positioned person would be. Whoever it is, in my mind, should have some kind of a duty to explain why they've exercised their discretion.

Is there any safety risk that would come with requiring the RCMP to explain why they've classified a particular firearm in a particular way?

● (1215)

Mr. Rob O'Reilly: I can't speak to the notion of a safety risk, but I can speak to the determinations of classification that are made today. When the experts within the Canadian firearms program make the determinations of classifications, those determinations form part of a record which is known as the firearms reference table. There are approximately 180,000 in the firearms reference table today, and every firearm has the criteria by which the determination was made, including reference to the specific portion of the Criminal Code that was used in making that determination. While the firearms reference table isn't a document publicly available, or easily available, the determination of classification made on those firearms is a matter of public record.

The Chair: You have a little less than a minute.

Mr. Sean Fraser: I am just revisiting the transportation issue in the less than a minute that I do have.

One of the things that I believe is not well understood by the general public is, in rough terms, what a restricted or prohibited firearm is. I know the minister was clear that the authorization to transport only impacts restricted firearms. Could you describe in a general way for the public what kind of a firearm we may be dealing with here?

Mr. Rob O'Reilly: When speaking of restricted firearms, most people think of handguns. Some handguns may also be qualified as prohibited. For example, certain short-barrelled firearms, such as a Second World War luger, may be deemed to be a prohibited firearm. There are other types of firearms that are prohibited because they are semi-automatic, or rather derivative of automatic firearms, or automatic firearms, but in most cases the transport of those firearms is pretty limited right now.

The Chair: Thank you, Mr. Fraser.

[*Translation*]

Mr. Paul-Hus, you have seven minutes, please.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Ladies and gentlemen, I have two or three questions for you.

The first pertains to background checks. Under Bill C-71, a person's entire life history will be checked. This applies to new applicants for a firearms licence.

First, do you know how many license holders there are in Canada right now?

Second, how will Bill C-71 affect crime in your communities?

[*English*]

Mr. Rob O'Reilly: I'm sorry, sir. I don't know if we understood. What was the question?

[*Translation*]

Mr. Pierre Paul-Hus: My questions pertain to background checks. How many firearms license holders are there in Canada right now?

Second, the act will apply primarily to new applicants, so the applicants will be younger and will not have a very long history. How will Bill C-71 address crime in your communities?

[*English*]

Mr. Rob O'Reilly: I guess I can only speak to the portion of your question that relates to firearms licensing. This element, to look at the entire life history of an individual, applies to new applicants and to those renewing firearms. Every five years an individual is asked to answer five personal history questions, which would include the same questions that are on the applications.

[*Translation*]

Mr. Pierre Paul-Hus: How many license holders are there right now?

[*English*]

Mr. Rob O'Reilly: We have approximately 2.1 million firearms licence holders in Canada right now. I believe we have roughly about 250,000 new applicants per year and roughly about 150,000 individuals who are renewing on an annual basis.

[*Translation*]

Mr. Pierre Paul-Hus: Okay.

The main problem is not the weapon itself, but the person's mental health. Most often, crimes are committed by people who are not criminals, but who have mental health problems.

In light of the proposed changes in Bill C-71, will the government have the necessary resources to properly monitor people with mental health problems? Right now, there are 2.1 million license holders. How do you think you will be able to control the situation with your current resources?

● (1220)

[*English*]

Mr. Randall Koops: There's nothing in the bill that changes the criteria that already exists in the Firearms Act in section 5 about the overriding public interest purpose of who is eligible to be licensed, and in subsection 5(2) about what is being considered. The only change is from a mandatory five-year consideration to a lifetime consideration.

[*Translation*]

So that does not change the criteria, including those related to crime and mental health.

Mr. Pierre Paul-Hus: Okay.

Do you think it makes sense to go that far back and look at an individual's entire life? Doing that for someone who is 18 is not the same as for a person who is 40. To what extent can you look into a person's mental health history over a period of 40 years? Do you think it makes sense to go that far back? A person might have made a mistake at the age of 12, but can you then say the person has a mental health problem now at the age of 40? Do you think that makes any sense?

Mr. Randall Koops: The criteria in the current act are very specific. It is not just for individuals who may have had mental health problems.

[*English*]

It's very specific, concerning those who are "treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise...that was associated with violence or threatened or attempted violence on the part of the person".

[*Translation*]

Mr. Pierre Paul-Hus: Okay.

Have you assessed the impact of this provision on members of the police and the military? We know that some members of the military and police have had mental health problems as a result of post-traumatic stress disorder, or PTSD. If the law is applied, will hundreds of members of the police and military be fired? Was this provision intended for them?

[*English*]

Mr. Randall Koops: Again, the criteria as presented in the act don't specifically say that a single instance of mental illness does not permit someone to ever own a firearm. It's simply one of the things that has to be considered in the context of whether they are eligible.

As for serving members of the Canadian Forces or police officers, they are not covered by the legislation because it governs the civilian use of firearms.

[*Translation*]

Mr. Pierre Paul-Hus: Law-abiding farmers and hunters are worried because there is a tendency to say that they are criminals, or at least that is how they feel. Yet these people use firearms quite legitimately. There are also firearms vendors who told us that they have already implemented measures to control the sale of their products.

What will the new provisions change for these people?

[*English*]

Mr. Randall Koops: For the average owner of a non-restricted firearm, very little changes. The bill does not re-establish a registry. It does not change there being no requirement for an authorization to transport for a non-restricted firearm, and there's no change to what persons can own as a non-restricted firearm.

For the average person using firearms in pursuit of hunting and the like, the bill does not change anything in relation to their legal use of firearms.

[*Translation*]

Mr. Pierre Paul-Hus: Okay.

[*English*]

The Chair: You have half a minute.

[*Translation*]

Mr. Pierre Paul-Hus: Quebec has its own law and last January it created a new firearms registry. The difficulty in Quebec is the sale of firearms between owners in Ontario or other provinces and those in Quebec, who are then required to register those firearms. Everyone says it is not a registry, but the information will be recorded by the vendors, and if the vendors close shop, the government will have a database.

Does Quebec need Bill C-71 for its own registry to be effective?

[*English*]

The Chair: Unfortunately, the time has run out. You're going to have to circle back in on that question.

Again, officials are always leery about expressing their opinions.

Before I go to Mr. Dubé for seven minutes, I just want to say that I'm going to restrict the last five minutes to committee business. We can pursue the report in the subcommittee.

Mr. Dubé.

● (1225)

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

[*English*]

There is a situation...and I have only some of the numbers from Ontario about fake or compromised possession and acquisition licences. To your knowledge, does this at all contribute to the obtention of firearms or ammunition by gangs and other criminal elements?

Mr. Randall Koops: I'm not aware....

Mr. Matthew Dubé: Is this the kind of situation that can be addressed through the mandatory verification when there are second-hand transactions involving firearms as stipulated in the bill?

Mr. Randall Koops: Bill C-71 would impose on the vendor the obligation to check that a licence remains valid. There also remains in the Firearms Act the offence of acquiring a firearm without the proper valid licence to do so. Bill C-71 doesn't touch that.

Mr. Matthew Dubé: Is there going to be a system in place? There obviously will be an additional burden on the—I don't particularly care for this term, but for lack of a better one—bureaucracy, as folks go through those verifications. What's been put in place to streamline that, to make it as easy as possible for anyone doing a verification?

Mr. Rob O'Reilly: As you may know, the Canadian firearms program does have a regime in place right now to register restricted and prohibited firearms. That system inherently has a licence verification aspect attached to it, because if anyone is attempting to register a firearm, obviously they have to ensure that the licence is valid. The program does have the mechanism in place already to perform this function.

Currently, although it is not mandatory under the law, we do licence verification. In terms of any individual wishing to sell a firearm, or a business, and there are many businesses that as a matter of practice have instituted a certain form of mandatory licence verification. Businesses have a portal right now called "business web services" so that they can do that licence verification, and individuals or businesses can avail themselves of our 1-800 number to do licence verification. We are well equipped to manage that in the future.

Mr. Matthew Dubé: Do you anticipate an increase in the use of these portals and programs with the changes in Bill C-71?

Mr. Rob O'Reilly: Yes, certainly. With Bill C-71, we would therefore be doing licence verification for non-restricted firearms. We don't have concrete numbers as to how many non-restricted firearms are currently being acquired, because there are no means to be able to record that.

However, as mentioned by the minister, we will not only have our telephone services, which are currently available nationally, Monday to Friday, 9 to 5, but we will be implementing a web portal that will facilitate licence verification as well. If there is a need to provide additional services on the weekend, we will scale up to be able to meet that demand.

[*Translation*]

Mr. Matthew Dubé: Similarly, but as regards authorizations to transport since they have been issued automatically since the former Bill C-42 was adopted, the number of applications to transport could spike as soon as the bill is passed.

Have you considered that possibility? If that happens, how do you intend to deal with it?

[*English*]

Mr. Rob O'Reilly: No, we don't. As mentioned, prior to Bill C-42 coming into effect in 2015, the program was issuing authorization to transport, for all purposes, what we would call single purpose ATTs. In essence, this is a return to a practice that we are well versed and practised in providing. Although it will create an increased number, as mentioned earlier to Mr. Fraser, roughly 96% of all authorizations to transport that we've historically issued were for the two purposes that remain automatic. The other roughly 4.5% don't represent a significant amount of authorizations to transport and we will be able to manage those.

[*Translation*]

Mr. Matthew Dubé: Once the bill is passed, will the authorizations that were automatically issued under the current act be rescinded? If so, will people have to apply or will there be a grandfather clause?

● (1230)

[*English*]

Mr. Rob O'Reilly: If Bill C-71 is passed as written, individuals who currently have authorizations to transport for five or six conditions on their licence would have those additional authorizations rescinded, or revoked. I'm not sure exactly what the term is. Their licence would continue to have the two authorizations to transport only.

Mr. Matthew Dubé: In that particular context, is there anticipation that, with the revocation, there would be a large number of requests immediately following the adoption of legislation beyond the long-term points that were being made in regard to Mr. Fraser's question?

Mr. Rob O'Reilly: We don't anticipate a large scale. As I mentioned, the majority of these authorizations to transport that we're talking about are single purpose ATTs. They are for a single firearm to a single location at a single period of time. Examples might be transportation to a gun show, transportation to a border crossing, alternate storage, moving, or things of that nature. These are things that we have had experience managing in the past and we don't anticipate a spike in the number of individuals requesting those services.

[*Translation*]

Mr. Matthew Dubé: As I understand it, under federal laws in the U.S., vendors and companies have to keep files indefinitely, yet we have chosen a period of 20 years.

Can you explain why?

[*English*]

Mr. Randall Koops: Twenty years is identified as an international best practice among various countries that Canada does trade with.

[*Translation*]

Mr. Matthew Dubé: Thank you.

[*English*]

The Chair: Thank you, Mr. Dubé.

We have Ms. Dabrusin, for seven minutes, please.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

I'm going to shift gears to some different sections we haven't been looking at today. I was curious to begin with the sections of Bill C-71 that concern the grandfathering of the CZ rifle and Swiss Arms. The reason I raise it is that I saw there was a date for the grandfathering of June 30, 2018.

Could you comment on why that date, being a future date, was chosen for the grandfathering?

Mr. Randall Koops: June 30 was chosen to provide a certain period of notice to owners and vendors of these firearms before the legal status of them would change. It provides time for people who may own the firearm to decide whether they wish to remain an owner of the firearm, whether they wish to comply with the requirements that would be in place to become a grandfathered owner. It also allows for vendors and importers to make their plans about what they may wish to do with inventories or imports of an item that is about to become a prohibitive firearm.

Ms. Julie Dabrusin: Part of the reason I'm asking is I'm wondering if you have any information as to how that impacts the market for these firearms in that interim period, whether it even potentially makes them more desirable during that interim period. If people were going to purchase one, there is a future date to purchase it.

Is there any type of impact like that by having a future date set as opposed to the date on which the legislation is tabled?

Mr. Randall Koops: I think in general it makes them less desirable from the perspective of one has significantly reduced opportunities to sell the firearm because one can only sell it to another grandfathered owner. The firearms are less attractive from that perspective in the sense of their market value.

Ms. Julie Dabrusin: All right.

The second question I have is about the authorizations to transport. This is in subclause 4(3) of Bill C-71. The reason I am looking at it is it refers to handguns that are grandfathered specifically under subsection 12(6.1). I was wondering why there was a specific addition made in respect of those types of handguns for the automatic authorization to transport.

Mr. Randall Koops: The subsection 12(6.1) handguns are a group of firearms for which there is a class of grandfathered owners. They are permitted, with the appropriate authorization to transport, to take those firearms to the range for the purpose of target shooting. Most other prohibited firearms do not go to the range. In the case of the subsection 12(6.1) handguns, the provision is there to allow them to be used for target shooting purposes.

● (1235)

Ms. Julie Dabrusin: At the moment, what's the situation for those handguns?

Mr. Rob O'Reilly: It's the same situation with those handguns now. The limitations that are in place around the usage of those firearms at a range would remain the same under Bill C-71.

Ms. Julie Dabrusin: They are prohibited. Is that the classification for those handguns?

Mr. Rob O'Reilly: Yes.

Ms. Julie Dabrusin: At the end of amended subsection 19(2.1), there is reference to firearms that have been purchased to form part of a gun collection. Is gun collection a defined term? I couldn't find it in the Firearms Act, but I'm not yet a full expert on the Firearms Act as a whole.

Is that a defined term?

Mr. Rob O'Reilly: I can explain the differences. Right now under the current system, when an individual is looking to acquire a firearm after they have acquired a firearms licence, they have to confirm the purpose for which they wish to acquire a handgun, as an example.

The two principal purposes that an individual would acquire a handgun would be for target shooting or as part of a collection. If they confirm their purpose as a target shooter, then they would be given the authorization to transport, to take that firearm to and from a shooting range. If they were to confirm their purpose as a collector, they would get the other authorizations to transport we've been talking about, but they would not get the authorization to transport to a range because they have not identified themselves as a target shooter but rather as a collector at that point.

Ms. Julie Dabrusin: I see that as an addition, so I was just wondering why "gun collection" was added.

Mr. Rob O'Reilly: As it stands today, if you are a target shooter and you confirm purpose, you are given six authorizations to transport on your licence. If you are a collector, you are only given five. You are not given that additional one transport to a range.

Ms. Julie Dabrusin: Ms. Clarke.

Ms. Paula Clarke: I can just confirm that "gun collection" is a defined term within the Firearms Act. It's at section 30.

Ms. Julie Dabrusin: It's at section 30, perfect. That helps, actually, for me to be able to look for it.

Thank you. Those are my questions.

The Chair: Thank you, Ms. Dabrusin.

Mr. Motz, you have five minutes, please.

Mr. Glen Motz: Thank you, Chair.

Mr. Koops or Ms. Clarke, I'm just curious to know if sections 101 to 105 of the Firearms Act are impacted at all by Bill C-71.

Ms. Paula Clarke: It is possible that section 101 of the Firearms Act could be engaged if a business does not comply with the requirements of a business licence. In a situation where the firearms business does not retain transaction records, either the business or the person could be subject to prosecution under section 101.

Mr. Glen Motz: Between sections 101 and 105—I don't remember exactly which one because there are a couple—a firearms officer is authorized under the Firearms Act to enter onto any property where he or she believes there are firearms in abundance, more than 10, or to check records, to check with compliance with the Firearms Act. Is that correct?

Ms. Paula Clarke: It is correct that the CFO has the right to review business records to ensure compliance with the regulatory requirements of the Firearms Act. However, if they want to enter the property to inspect, they do have to have reasonable grounds to believe, and that would require traditional authorization.

Mr. Glen Motz: It doesn't say that in the act.

Ms. Paula Clarke: Yes, it's at section 104 of the Firearms Act, which is the provision that deals with "inspection of a dwelling-house".

Mr. Glen Motz: That's a dwelling-house, but not specifically a business.

Ms. Paula Clarke: No, it's not specifically a business. Sorry, I should clarify that.

Mr. Glen Motz: That's what I was referring to.

We know that in some circumstances a firearms officer is also a police officer.

Ms. Paula Clarke: In some circumstances, yes.

Mr. Glen Motz: How does that marry with what the minister told us this morning, that in all circumstances—in every circumstance, I believe his words were—police can only access these records with judicial authorization?

Ms. Paula Clarke: If, during the normal regulatory inspections, a firearms officer starts to believe that he has come across evidence of a criminal nature, then it would convert to a criminal investigation and the normal legal standards that apply for such an investigation would come into effect.

● (1240)

Mr. Glen Motz: That's fair enough.

There will be a requirement from this new legislation to obtain a reference number anytime there is a transference of a firearm from a transferor or to a transferee. How will those reference numbers be tracked? The registrar has those. Are they going to be placed on CPIC?

Ms. Paula Clarke: No.

Mr. Glen Motz: They won't be on CPIC, so the registrar will have them in a registry. That's the only way they're going to be kept.

Mr. Rob O'Reilly: The Canadian firearms information system, CFIS, is the management system used by the Canadian firearms program to manage all aspects of the licensing and registration regime. There would be a segregated database within the CFIS created to—

Mr. Glen Motz: —which is a registry. The registrar will keep a list of reference numbers of all firearms transfers between someone who is buying a firearm—whether it be from a gun shop or if I were buying Mr. Calkins' gun. As long as I can verify that he has a PAL and I have a PAL and we get a reference number, that's going to be registered as a transaction that's occurred between Mr. Calkins and me. Is that correct?

Mr. Rob O'Reilly: When an individual calls the program, it isn't necessarily specifically in relation to a transfer but rather the verification of a licence associated with the transfer, so what we are recording is the reference number attached to the licence verification. There is no link between the reference number and any firearm, because there are no questions being asked in relation to any firearms.

Mr. Glen Motz: I appreciate that, but you're still keeping a registry of the fact that certain individuals have transferred firearms back and forth. That's what the reference number is, and the backgrounder and the technical briefing we had explained that as well.

In closing I have one more quick question—

The Chair: It's going to have to be exceedingly brief.

Mr. Glen Motz: We talked about background checks. What will the threshold be? Who is going to determine that threshold when a past event, whether it be mental health—you talked about somebody who might have some tendencies to harm even themselves. Who makes the decision? What sort of things declassify, disable, or disqualify someone from having a firearm or owning one or being able to hunt with one at any point? How is that going to look if it happened 30 years ago?

The Chair: That's not an exceedingly brief question. It's a good question, and you're going to have to work in the answer somehow.

Ms. Damoff.

Ms. Pam Damoff: Thank you, Chair.

I thank the officials for staying with us for another hour.

I have been doing some research on this bill and on firearms in general. The presence or absence of a gun in a household remains the single most determinant factor for lethality in every case of domestic violence. Another stat is that access to a firearm is one of the top five risks that an abused woman will be killed. I'm wondering if you have heard of any organizations that deal with domestic or intimate partner violence that are not supporting this bill.

Mr. Randall Koops: I'm sorry, we haven't had those discussions with stakeholders, at least at the officials level.

Ms. Pam Damoff: The ones I have spoken to are on the other end of the spectrum and feel we haven't gone far enough.

On the legislation itself, my understanding is that—and the minister touched on this—two or three years ago the split between domestic firearms and firearms that have come from outside Canada was about 70 to 30. About two to three years ago that started to change. Toronto Police say that 65% to 70% of the firearms that are used in crime are domestic. Most have started out as legal firearms but, through theft or illegal diversion, they are finding their way into gangs and crime.

I'm wondering if you can let us know if this legislation will assist police in trying to keep down those numbers of firearms that are finding their way into the hands of gangs and criminals.

● (1245)

Mr. Randall Koops: We assist police by providing them with an additional tracing tool they have in their tool box, the point-of-sale records. The other issue I would note is that the minister referred to the $100 million a year of investment in guns and gangs funding to be shared with provinces and with federal law enforcement organizations. One of the priority areas is better understanding intelligence about the flow of illegal firearms into Canada and better interdiction at the border by the police and by CBSA.

Ms. Pam Damoff: The government is taking a—

Mr. Randall Koops: Sorry, my colleague has a small addition, if she may.

Ms. Paula Clarke: This is also a proposed amendment in the bill which would clarify that when an individual is issued a prohibition order, which prevents them from owning or possessing firearms or other weapons, that any firearm that is currently in the possession of the police, for example, is subject to a bail condition. The police would have seized those firearms or seized them on public safety grounds.

This amendment would clarify that these firearms would also be forfeited to the crown because currently an Ontario Court of Appeal decision in 2012 interpreted section 115 of the Criminal Code to mean that firearms in the possession of the person are forfeited to the crown. The Ontario Court of Appeal interpreted that section to mean that firearms in the possession of the police at the time that the prohibition order is issued are not forfeited to the crown.

This has created a situation whereby these firearms in the possession of the police have to be retained by the police until the end of the prohibition order and at that time they may either be returned to the person, that owner, or sold to another licensed individual. A number of these firearms include firearms related to gang activity. I have had anecdotal conversations with prosecutors who were very frustrated that these firearms would be returned and put back into circulation.

Ms. Pam Damoff: Instead of their being retained by the crown they are getting back into circulation to gangs and to criminals. Is that what you're saying?

Ms. Paula Clarke: No, I'm not saying that. I'm saying that they could be transferred to a licensed individual, but they can't be forfeited anymore. Normally, in the course of forfeiture, they are destroyed.

Ms. Pam Damoff: Just to clarify, when you say that they could be transferred to a licensed individual, that could be a family member.

Ms. Paula Clarke: That could be a family member.

Ms. Pam Damoff: I'll go back to the case that I was mentioning earlier. When you're dealing with domestic abuse, if the person who is the abuser has firearms and they're confiscated, they actually could go to that person's brother—

Ms. Paula Clarke: They could—

Ms. Pam Damoff: —if he is licensed.

Ms. Paula Clarke: —but the abuser would still be prohibited from owning or possessing that firearm. If the abuser breached that, the abuser would be subject to a criminal—

Ms. Pam Damoff: But that doesn't help a woman who is killed by her abuser who happens to get a hold of the gun, though. I'm just saying that it's fine that it's prohibited, but the fact is that this is what ends up happening.

Mr. Randall Koops: Bill C-71 will close that loophole.

The Chair: Ms. Damoff, thank you.

Mr. Calkins, you have the final five minutes.

Mr. Blaine Calkins: Thank you, Mr. Chair.

I want to thank the officials for being here. They've been here for the whole time. The minister has now left, but in response to the questions I asked previously, the minister indicated that one of the purposes and motives of Bill C-71 is the ability for the government, or the police, or law enforcement agencies to trace a firearm back to its original owner, whereupon I basically said that means there has to be a registry because we're not going to run a query against the wind. I mean, it has to be information that's kept some place. You can call it a repository. You can call it a registry. You can call it whatever you want. There's a repository of information that's transaction-based.

The minister was very clear that the purpose behind that was in order to trace that. However, Mr. O'Reilly, you just suggested to this committee that in a person-to-person transaction—so if I were to sell my firearm to Mr. Fraser over there—none of the information with regard to the firearm will actually be kept, only the reference number.

If that's the case—

Mr. Rob O'Reilly: Sorry, the reference number and the two licence numbers associated would be.

Mr. Blaine Calkins: If that's the case, if what you're telling me is true, then what the minister told this committee is not true, because that query would not provide any information insofar as to trace a firearm because a reference number is not actually stored anywhere on a firearm. If it was stolen from my house, the reference number is not stolen; the firearm is. The make, model, and serial number associated to it would be known. My firearms licence isn't being stolen. Well, we would hope that it wouldn't be, but of course, there is a repository with that information.

If that's the case, Mr. O'Reilly, why would the minister suggest that the traceability of firearms is going to be one of the premises for which this bill should pass, and yet you're saying that the information about a firearm is not even being stored?

● (1250)

Mr. Rob O'Reilly: I can't speak for the minister, but perhaps I can speak to the notion of chain of custody, which is linked to this.

Mr. Blaine Calkins: My question wasn't about the chain of custody.

Mr. Rob O'Reilly: The reason I would like to say that is that the chain of custody links to the notion of the reference number. If businesses are required to keep records around a firearm, which includes the reference number, and law enforcement has reason to believe that the firearm went through that business—

Mr. Blaine Calkins: But the example I gave you was a person-to-person transaction between me and Mr. Fraser.

Mr. Rob O'Reilly: I agree, but the firearm that got to that individual likely originated with a firearms retailer, so the firearms retailer would be recording the reference number of that first point of sale out of the business. There would be a reference number attached to it.

Mr. Blaine Calkins: Do you honestly believe that, Mr. O'Reilly? Do you honestly believe that every firearm that goes through one of these transactions is going to.... I mean, there are firearms in this country that are 50, 60, 70 years old. A firearm never really goes out of date. We don't even know how many of the original firearms were actually put in the failed long-gun registry going back a long time.

I appreciate where you're going with that, but I think it's a bit of a stretch. I don't know how many firearms will get caught up—

Mr. Rob O'Reilly: I would just clarify that it's just new firearms going through firearms inventories that would be—

Mr. Blaine Calkins: Which is not all the firearms in Canada. You and I would both agree on that.

Mr. Rob O'Reilly: That's right.

Mr. Blaine Calkins: My next question for you deals with warrants.

When the minister was present, I asked specifically if warrants were going to be required for law enforcement officials to enter premises to examine records, based on this whole issue of tracing, and he said that a judicial warrant would be required at all times.

Yet, Ms. Clarke, you suggested right now in front of this committee that a warrant is not required by a chief firearms officer going in to inspect a business. Is that correct?

Ms. Paula Clarke: Let's distinguish between asking for records with regard to an individual for a criminal investigation and the regulatory requirement or the regulatory power of a CFO to enter a business, to investigate, and to ensure that records are being kept in order to comply with the licensing requirements that the business is subject to.

In the course of a normal criminal investigation, Bill C-71 does not provide any additional investigative powers to law enforcement. If there's a criminal investigation under way, the crown and the police would still have to do an assessment of the privacy interests that are at stake. Normally, or very often, this requires a production order, so you go to court. You would have to prove that there are reasonable grounds on which to believe that an offence has been or will be committed, and at that point, you would receive judicial authorization.

With respect to firearms businesses, there is the regulatory power to come in and investigate, to ensure that the records are being kept. If that happens, there could be a charge under section 101 of the Firearms Act, and if in the course of reviewing these records, they come across evidence or suspected evidence that there could have been a criminal offence that may have taken place, then it is no longer a regulatory power. You would have to apply normal standards for criminal investigation.

The Chair: Thank you, Mr. Calkins.

On behalf of the committee, I want to thank the witnesses.

We are going to suspend and go in camera to receive the report of the subcommittee.

[*Proceedings continue in camera*]

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